REMARKS

Claims 1, 3, 6-15, and 27-28 and 30 are pending in the application. Claims 1, 13 and 27 are independent. By the foregoing Amendment, claims 1, 6-7, 13, 27, and 30 have been amended, and claims 5 and 29 have been canceled These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1, 3, 5-15, and 27-30 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 1, 3, and 10-15 under 35 U.S.C. §103(a) as being obvious over by U.S. Patent Publication No. 2002/0124134 to Chilton (hereinafter "*Chilton*") in view of U.S. Patent No. 6,968,414 to Abbondanzio et al. (hereinafter "*Abbondanzio*"), rejected claims 5-9 under 35 U.S.C. §103(a) as being obvious over *Chilton* in view of U.S. Patent No. 5,696,895 to Hemphill et al. (hereinafter "*Hemphill*"), and rejected claims 27-30 under 35 U.S.C. §103(a) as being obvious over *Chilton* in view *Abbondanzio* in view of *Hemphill* in further view of U.S. Patent Publication No. 2003/0191908 to Cohn et al. (hereinafter "*Cohn*"). Applicants respectfully traverse the rejection.

To establish a *prima facie* case of obviousness, the Examiner must show that the cited references teach each and every element of the claimed invention. (MPEP §2143.) *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was independently known in the prior art. *KSR Int'l C. v. Teleflex, Inc.,* No 04-1350 (U.S. Apr. 30, 2007). If a combination or modification to a reference is used, an Examiner must show that there is some expectation of success that the combination or modification proffered would predictably result in the claimed invention. Obviousness is a question of law based on underlying factual inquiries. The factual inquiries enunciated by the U.S. Supreme Court in *KSR* include the *Graham* factors of determining the scope and content of the prior art, ascertaining the differences between the claimed invention and the prior art, and resolving the level of ordinary skill in the pertinent art.

Once the *Graham* factual inquiries are resolved, the Examiner must explain why the difference(s) between the cited references and the claimed invention would have been obvious to one of ordinary skill in the art. The rationale used must be a permissible rationale. The USPTO promulgated Examination Guidelines for Determining Obviousness in View of *KSR* in the Federal Register, Vol. 72, No. 195 (October 10, 2007). These *KSR* Guidelines enumerate permissible rationale and the findings of fact that must be made under the particular rationale.

It is not clear which rationale is used as the basis for the Examiner's rejection of claims 1, 3-4, 10-15, and/or 27-30. However, in any event the burden still remains on the Examiner to demonstrate each prong of the ***three-part test***: (1) that each and every element is taught; (2) that one skilled in the art could have combined the references; and (3) that there is predictability/expectation of success.

Applicants respectfully submit that *Chilton, Abbondanzio, Hemphill,* and/or *Cohn*, alone or in any combination fails to disclose each and every element of independent claims 1, 13, and/or 27. For example, the independent claims recite using firmware on one server blade to access a resource hosted by another server blade. That is, each server blade utilizes its own firmware to communicate with each other to get the task accomplished. This is not the case with *Chilton, Abbondanzio, Hemphill,* or *Cohn*. None of them permits this type of direct communication between server blades.

Second, the firmware used implements an Extensible Firmware Interface (EFI) framework. An EFI framework is not even mentioned in *Chilton, Abbondanzio, Hemphill,* or *Cohn*. Thus, this element also is missing.

Third, the claimed invention enters a System Management Mode (SMM) at the first server blade and the second server blade and in response to entering the SMM, initiates an out-of-band (OOB) communications channel between the first server blade and the second server blade. SMM is not even mentioned in *Chilton, Abbondanzio, Hemphill,* or *Cohn*. Thus, this element also is missing.

Applicants respectfully submit that they need only show that one element is missing. Applicants have shown that several elements are missing from *Chilton* in view of *Abbondanzio* in view of *Hemphill* in further view of *Cohn*. Independent claims 1, 13, and 27 are thus patentable over *Chilton* in view of *Abbondanzio* in view of *Hemphill* in further view of *Cohn*.

Claims 5 and 29 have been canceled rendering the rejection of them moot. Claims 1, 3, and 6-12 properly depend from claim 1 and are patentable for at least the same reasons that claim 1 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Claims 14-15 properly depend from claim 13 and are patentable for at least the same reasons that claim 13 is patentable. (Id.) Claims 28 and 30 properly depend from claim 27 and are patentable for at least the same reasons that claim 27 is patentable. (Id.) Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 1, 3, 5-15, and 27-30.

CONCLUSION

Applicants respectfully submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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/November 6, 2008/
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

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